

REMARKS

This is a full and timely response to the non-final Office action mailed March 14, 2007. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 3-14, 16,-26 and 30-40 are now are pending in this application, with claims 1, 14 and 26 being the independent claims. Claims 1, 3-11, 14, 26, and 30-38 have been amended and claims 2, 15 and 27-29 have been canceled. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 101

Claims 14-40 were rejected under 35 U.S.C. § 101, as allegedly directed toward a non-statutory subject matter.

With regard to claims 14-25, the Examiner stated that merely selecting confidence bounds was insufficient to provide a useful, concrete and tangible result. In response, applicants have amended claim 14 to recite the step of “generating a filtered estimate of the data set from the selected upper confidence bounds lower confidence bounds for each data point”. Applicants submit that this step provides the required concrete and tangible result. As described in applicant’s specification, the generated filtered estimate of the data set can be used for prognostication and fault detection, for example, by facilitating the accurate determination of current sensor values and/or predicting likely future sensor values from physical systems such turbine engines in aircraft. As such, the filtered estimate of the data set is clearly a useful, concrete and tangible result, and thus meets the requirements of 35 U.S.C. § 101.

With regard to claims 26-40, the Examiner stated that merely signal bearing media would not be a sufficient tangible result, and it appears to be directed to software per se, lacking storage on a computer readable medium. In response, applicants have amended claim 26 to recite that the window filter is adapted to “generate a filtered estimate of the data set from the selected upper confidence bounds and the lower confidence bounds for each data point”. Applicants again submit that this limitation provides the required concrete and tangible result. Furthermore, applicants have

amended claim 26 to cite “computer-readable medium bearing said trending program”. Applicants submit that amended claim 26 is thus a standard program-product type claim that recites a “trending program” residing on a “computer-readable medium”. As such, amended claim 26 clear meets the statutory requirements of 35 U.S.C. § 101. See MPEP 1106.

#### Double Patenting Rejections

Claims 1-12, 14-24 and 26-39 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 23-36 of U.S. Patent Application 11/063,296. Applicants respectfully disagree, and respectfully request that this rejection be withdrawn.

First, applicants submit that this rejection is properly a “provisional” nonstatutory obviousness-type double patenting rejection, as both references are **pending** applications. Second, applicants note that U.S. Patent Application 11/063,296 is the later filed application, and currently stands rejected. Thus, applicants submit that the “provisional” nonstatutory obviousness-type double patenting rejection for this application should be withdrawn to allow this, the earlier-filed application, to issue as a patent without a terminal disclaimer. See MPEP 804(I)(B)(1.)

#### Conclusion

Based on the above, claims are allowable over the citations of record. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Appl. No. 10/767,034  
Amdt. Dated June 14, 2007  
Reply to Office Action of March 14, 2007

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: June 14, 2007

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